

# INDIANA PUBLIC DEFENDER COMMISSION MINUTES

**February 27, 2002**

At 3:15 p.m., Chairman Lefstein determined that a quorum was not present and called for discussion of items on the agenda. Present were Commission members Les Duvall, Bettye Lou Jerrel, Rebecca McClure and Representative Greg Porter. The Commission intended to propose action on the items on the agenda and then seek ratification from absent members. However, before the conclusion of the meeting, the Honorable Daniel Donahue was able to join the meeting telephonically creating a quorum and the Commission's business was concluded as set forth herein. Also present were Larry Landis and Tom Carusillo.

1. Staff reported meetings Knox and LaGrange Counties. It was noted that the Commission has intentionally taken a less proactive approach as a result of the insufficient funding available. The preparation of a survey of public defender and prosecutor compensation was also noted. This is being undertaken to confirm compliance with Commission Standard G.
2. Dean Lefstein provided information regarding an ABA report on "The Ten Principles of a Public Defense Delivery System", and discussed an ABA newsletter that highlighted the progress Indiana has made in funding indigent defense. The Commission then welcomed its newest member Representative Greg Porter. The annual report for 2000-2001 was also distributed at this time.
3. The minutes from the December 5, 2001 meeting were reviewed and approved.
4. The Commission approved reimbursements in capital cases as follows:

COUNTY	DEFENDANT		TOTAL
Fountain	Wilburn		\$33,087.99
Greene	Leone		\$1,945.88
Johnson	Overstreet		\$28,191.90
Knox	Whipps		\$1,960.65
Lake	Britt		\$43,524.50
	Richeson		\$3,739.50
Marion	Adams		\$61,184.38
	Gross		\$648.73
	Jones		\$10,072.15
	Moore		\$7,963.11
	Ritchie		\$15,546.44
	Thompson		\$10,594.10
	Thompson		\$3,748.50
	Veal		\$20,500.39
Spencer	Ward		\$6,513.32
<b>TOTAL</b>			<b>\$249,221.54</b>

5. The Commission approved reimbursements in non-capital cases as follows:

COUNTY	PERIOD COVERED	TOTAL EXPENSE	ADJUS'T	ADJUS'D EXPEND.	40% REIMB.
ADAMS	10/01/01-12/31/01	30,934.97	0.00	\$30,934.97	\$12,373.99
BLACKFORD	12/01/01-02/04/02	\$3,459.00	\$0.00	\$3,459.00	\$1,383.60
CARROLL	10/01/01-12/31/01	\$28,657.11	\$0.00	\$28,657.11	\$11,462.84
CLARK	10/01/01-12/31/01	\$93,354.56	\$3,360.76	\$89,993.80	\$35,997.52
CRAWFORD	01/01/01-12/31/01	\$34,237.52	Table		\$0.00
DECATUR	10/01/01-12/31/01	\$45,420.00	\$19,530.60	\$25,889.40	\$10,355.76
FAYETTE	10/09/01-11/27/01	\$19,787.16	\$92.16	\$19,695.00	\$7,878.00
FLOYD	10/01/01-12/31/01	\$82,722.28	\$0.00	\$82,722.28	\$33,088.91
FOUNTAIN	10/01/01-12/31/01	\$32,864.40	-\$12,195.98	\$45,060.38	\$18,024.15
FULTON	10/01/01-12/31/01	\$28,883.24	\$0.00	\$28,883.24	\$11,553.30
GREENE	11/01/01-12/31/01	\$37,875.04	\$0.00	\$37,875.04	\$15,150.02
HANCOCK	10/01/01-12/31/01	\$78,886.24	\$3,275.00	\$75,611.24	\$30,244.50
HENRY	11/08/01-02/06/02	\$64,581.83	\$0.00	\$64,581.83	\$25,832.73
JENNINGS	07/01/01-12/31/01	\$35,335.78	\$597.50	\$34,738.28	\$13,895.31
KNOX	10/01/01-12/31/01	\$73,652.64	-\$1,957.15	\$75,609.79	\$30,243.92
LAKE	10/01/01-12/31/01	\$590,640.51	\$0.00	\$590,640.51	\$236,256.20
LAPORTE	10/01/01-12/31/01	\$92,227.97	\$0.00	\$92,227.97	\$36,891.19
MARION	10/01/01-12/31/01	\$933,140.51	\$17,358.13	\$915,782.38	\$366,312.95
MIAMI	10/01/01-12/31/01	\$156,807.26	\$32,919.50	\$123,887.76	\$49,555.10
MONROE	10/01/01-12/31/01	\$76,039.00	\$76,039.00	\$0.00	\$0.00
NOBLE	10/01/31-12/31/01	\$43,637.72	\$0.00	\$43,637.72	\$17,455.09
PARKE	10/01/01-12/31/01	\$18,779.38	\$0.00	\$18,779.38	\$7,511.75
PERRY	12/05/01-02/04/02	\$16,017.49	\$4,207.33	\$11,810.16	\$4,724.06
PIKE	11/06/01-02/01/02	\$73,452.37	\$16,230.83	\$57,221.54	\$22,888.62
PULASKI	10/01/01-12/31/01	\$40,460.46	\$8,348.58	\$32,111.88	\$12,844.75
RUSH	11/01/01-12/31/01	\$15,080.94	\$1,401.16	\$13,679.78	\$5,471.91
SCOTT	11/07/01-02/06/02	\$44,800.83	\$13,440.10	\$31,360.73	\$12,544.29
SHELBY	11/01/01-01/31/02	\$53,523.20	\$0.00	\$53,523.20	\$21,409.28
SPENCER	11/07/01-12/20/01	\$16,491.13	\$0.00	\$16,491.13	\$6,596.45
STEUBEN	10/01/01-12/31/01	\$64,308.74	\$16,738.45	\$47,570.29	\$19,028.12
SULLIVAN	11/06/01-01/17/02	\$10,838.00	\$0.00	\$10,838.00	\$4,335.20
UNION	08/01/01-12/31/01	\$2,951.38	\$0.00	\$2,951.38	\$1,180.55
VERMILLION	10/01/01-12/31/01	\$31,201.66	\$0.00	\$31,201.66	\$12,480.66
VIGO	10/01/01-12/31/01	\$228,176.85	\$66,171.29	\$162,005.56	\$64,802.22
WARREN	11/01/01-01/31/02	\$4,147.91		\$4,147.91	\$1,659.16
WASHINGTON	10/01/01-12/31/01	\$30,097.14	\$10,534.00	\$19,563.14	\$7,825.26
WHITE	07/01/01-12/31/01	\$22,448.18	\$0.00	\$22,448.18	\$8,979.27
<b>TOTAL</b>		<b>\$3,255,920.40</b>	<b>\$276,091.26</b>	<b>\$2,945,591.62</b>	<b>\$1,178,236.63</b>

Judge Donahue abstained from consideration of the claim from Clark County. The claim from Crawford County was tabled, pending review of caseload compliance. The claim from Monroe County was rejected for failing to comply with Commission caseload standards.

All noncapital claims were then suspended, pending the next deposit into the Public Defense Fund on June 30, 2002. These claims and subsequent noncapital claims this fiscal year will be subject to proration.

6. Next, a discussion was had regarding the adoption of a new guideline. This guideline would establish deadlines for the submission of noncapital claims. The Commission reviewed the proposal and made two changes. First, the deadline will be a fixed date, 45 days after each calendar quarter, and two the change will become effective immediately. The guideline provides:

In order to be eligible for reimbursement, claims in **noncapital** cases must be submitted to the Commission not later than **forty-five (45)** days after the end of the calendar quarter in which they were incurred. For example, **eligible expenses incurred between January 1, 2002 and March 31, 2002, must be submitted to the Commission by May 15, 2002.**

This change will result in all counties sharing in the burden of proration resulting from insufficient funding. The new guideline was adopted 5-1, with member Bettye Lou Jerrel voting nay. Staff will notify counties of this change.

7. Larry Landis then reported to the Commission that the Public Defender Council's survey of juvenile caseload was not ready for presentation, but should be ready for the next Commission meeting.
8. The next meeting of the Commission is set for Wednesday, May 29, 2002, at 3:00 p.m. in **South Tower, Room 1071**, (formerly Room 1088) 115 West Washington Street, National City Center, Indianapolis, Indiana.

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Norman Lefstein, Chairman

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Date